



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

OCT 17 2016

Mr. Dave Jordan
Assistant Plant Manager
Sharpsville Container Corporation
600 Main Street
Sharpsville, PA 16150

Re: Request for Information Pursuant to Section 3007(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6927(a), Regarding Generation and Management of Hazardous Waste by Sharpsville Container Corporation

Information Request - Reference No. C16-027
EPA ID No. PAR000043084

Dear Mr. Jordan:

The U.S. Environmental Protection Agency, Region III ("EPA") is requesting information from Sharpsville Container Corporation to supplement the information obtained by EPA during the inspection of the SCC manufacturing facility located in Sharpsville, PA (herein after referred to as "SCC" or the "Facility") on May 25, 2016. EPA is requesting this information pursuant to the authority granted to it under Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(a), which provides in relevant part that "any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, . . . furnish information relating to such wastes" EPA hereby requires that you furnish to EPA, within **thirty (30) calendar days** of receipt of this letter, the information requested below, including all documents responsive to such request.

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or may be able to provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request, identify each person from whom such information or documents may be obtained.

Please provide a separate narrative response to each question. Precede each answer with the number of the question or letter of the subpart of the question to which it corresponds. A request for documents shall be construed as a request for any and all documents maintained by you or in your custody, control, or possession or in the possession, custody or control of any of your employees or agents, relating to the matters described below. For each copy of a document produced in response to this request, indicate on such copy, or in some other reasonable manner, the number of the request to which it responds, the current location and custodian of the original, the date such original was prepared, the person(s) who prepared the original and the date the document became effective at the Facility.

As used herein, the term “document” means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonograph records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer print outs, or other data compilations from which information can be obtained or translated.

All other terms used in this request for information that are defined in RCRA, 42 U.S.C. §§ 6901 *et seq.*, or 40 C.F.R. Parts 260-266 and 268 shall have the meanings set forth therein.

Requested Information

1. During the May 25, 2016 EPA inspection, the EPA inspector observed containers of material located in the Facility’s Waste Accumulation Area (“WAA”). Please refer to Photos #30 through Photo #50 of the EPA Compliance Evaluation Inspection (“CEI”) report which is enclosed as Attachment A of this letter. According to Facility personnel, the WAA is used to accumulate waste that is pending analysis prior to such waste being moved by Facility personnel to the Facility’s 90-Day Hazardous Waste Accumulation Area. Facility representatives were unsure of the content(s) of the containers, which are listed in Table 1 below. Table 1 describes the containers as referenced in the Photo Log, and as described by Facility representatives at the time of the inspection:

Table 1: Containers Observed in the WAA

Photo #	Description
#31	Five (5) plastic buckets and five (5) blue plastic containers with waste; unlabeled, undated & closed; unable to identify contents of each container; accumulated for 6 or 7 months.
#32	Five (5) plastic buckets with waste; unable to identify the contents of each container.
#34 - #38	Four (4) blue plastic containers; labeled as “Waste Sludge”, “Waste Acid”, “Waste Sludge”, and “Waste Tank Sludge”; dated as 4/1/16; unsure if hazardous waste.
#39	Fifteen (15) containers of paint; closed and undated; unsure if hazardous waste; accumulated in WAA for about 4 months.
#43 & #44	Closed & undated metal drum; unsure of its content; waste accumulated about 4 months.
#45	Closed and unlabeled white plastic container of waste; unsure of its content.

With regard to each container located in the WAA listed in Table 1 above, please answer the following:

- a. Provide a detailed description of the process or processes that generated the content(s) of each container, and please provide a detailed description of the content(s) of each container.
- b. Provide the date on which the content(s) of each container was generated and state the basis of your knowledge. If an exact date cannot be determined, please estimate the generation month and year, and explain the basis for such an estimate.
- c. Provide the date on which the content(s) of each container was first placed into the container and state the basis of your knowledge. If an exact date cannot be determined, estimate the month and year, and explain the basis for such an estimate.
- d. Please state the amount (weight and volume) of material in each container at the time of the EPA inspection.
- e. Please state the volume of each container.
- f. State the exact date when each container was moved to the WAA. If an exact date cannot be determined, estimate month and year, and explain the basis for such an estimate.
- g. State whether or not a “waste determination” and “LDR determination” were made for the content(s) of each container.
- h. If a “waste determination” was made for the content(s) of each container, state whether the waste determination was based on analytic results or on the generator’s knowledge of the process that generated the waste. If the determination was based on analytical results, provide any and all documentation of such results. If the determination was based upon the generator’s knowledge, provide a narrative explanation of the scientific basis for each such determination, and provide any supporting documentation.
- i. Was the content(s) of each container determined to be “hazardous waste?” If so, please state the specific EPA Hazardous Waste Code(s) associated with the content(s) of each container that was determined to be hazardous waste.
- j. If the content(s) of each container was shipped off-site, submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices/certifications that accompanied each off-site shipment of the waste.

- k. If the content(s) of each container still remains on-site, please state where such contents are currently located within the Facility and how such contents are currently being managed.
2. During the May 25, 2016 EPA CEI, the EPA inspector observed two (2) 55-gallon plastic drums and one (1) 30-gallon plastic drum of waste water located outside the Facility's building. Please refer to Photos #54 of the EPA CEI report which is enclosed as Attachment A of this letter. The containers were not labeled at the time of the inspection. Facility personnel indicated that the contents of the containers were determined by the Facility to be non-hazardous waste, but Facility personnel were also unsure of where the waste was initially generated. Please provide the following information regarding the content(s) of each container:
- a. Provide a detailed description of the process or processes that generated the content(s) of each container, and please provide a detailed description of the content(s) of each container.
 - b. Provide the date on which the content(s) of each container was generated and state the basis of your knowledge. If an exact date cannot be determined, please estimate the generation month and year, and explain the basis for such an estimate.
 - c. Provide the date on which the content(s) of each container was first placed into the container and state the basis of your knowledge. If an exact date cannot be determined, estimate the month and year, and explain the basis for such an estimate.
 - d. Please state the amount (weight and volume) of material in each container at the time of the EPA inspection.
 - e. State whether or not a "waste determination" and "LDR determination" were made for the content(s) of each container.
 - f. If a "waste determination" was made for the content(s) of each container, state whether the waste determination was based on analytic results or on the generator's knowledge of the process that generated the waste. If the determination was based on analytical results, provide any and all documentation of such results. If the determination was based upon the generator's knowledge, provide a narrative explanation of the scientific basis for each such determination, and provide any supporting documentation.
 - g. Was the content(s) of each container determined to be "hazardous waste?" If so, please state the specific EPA Hazardous Waste Code(s) associated with the content(s) of each container that was determined to be hazardous waste.

- h. If the content(s) of each container was shipped off-site, submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices/certifications that accompanied each off-site shipment of the waste.
 - i. If the content(s) of each container still remains on-site, please state where such contents are currently located within the Facility and how such contents are currently being managed.
- 3. During the May 25, 2016 EPA CEI, the EPA inspector observed two (2) 55-gallon blue plastic drums located outside the Facility's building that were closed and full of material. Please refer to Photos #55-Photo #57 of the EPA CEI report which is enclosed as Attachment A of this letter. According to Facility representatives, the content of the containers was determined to be sludge waste, and the containers were labeled with the words "solid waste." Facility personnel were unsure if the waste was hazardous waste or non-hazardous waste, and they also indicated the waste had been accumulated in this area of the Facility for about 5 months. Please provide the following information regarding the content(s) of each container:
 - a. Provide a detailed description of the process or processes that generated the content(s) of each container, and please provide a detailed description of the content(s) of each container.
 - b. Provide the date on which the content(s) of each container was generated and state the basis of your knowledge. If an exact date cannot be determined, please estimate the generation month and year, and explain the basis for such an estimate.
 - c. Provide the date on which the content(s) of each container was first placed into the container and state the basis of your knowledge. If an exact date cannot be determined, estimate the month and year, and explain the basis for such an estimate.
 - d. Please state the amount (weight and volume) of material in each container at the time of the EPA inspection.
 - e. State whether or not a "waste determination" and "LDR determination" were made for the content(s) of each container.
 - f. If a "waste determination" was made for the content(s) of each container, state whether the waste determination was based on analytic results or on the generator's knowledge of the process that generated the waste. If the determination was based on analytical results, provide any and all documentation of such results. If the determination was based upon the generator's knowledge, provide a narrative explanation of the scientific basis for each such determination, and provide any supporting documentation.

- g. Was the content(s) of each container determined to be “hazardous waste?” If so, please state the specific EPA Hazardous Waste Code(s) associated with the content(s) of each container that was determined to be hazardous waste.
 - h. If the content(s) of each container was shipped off-site, submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices/certifications that accompanied each off-site shipment of the waste.
 - i. If the content(s) of each container still remains on-site, please state where such contents are currently located within the Facility and how such contents are currently being managed.
4. During the May 25, 2016 EPA CEI, four (4) blue plastic containers located in the WAA that were labeled as “Waste Sludge”, “Waste Acid”, “Waste Sludge”, and “Waste Tank Sludge”, and dated as 4/1/16. On top of one of the containers and below the containers on the ground, the EPA inspector observed a white material. Please refer to Photo #34 of the EPA CEI report which is enclosed as Attachment A of this letter. Please provided the following information regarding the white material:
- a. Provide a detailed description of the process or processes that generated the white material, and please provide a detailed description of its content(s).
 - b. Provide the date on which the white material was generated and state the basis of your knowledge. If an exact date cannot be determined, please estimate the generation month and year.
 - c. State the amount (weight and volume) of white material accumulated on top of the container, and on the pallet and ground near the container at the time of the EPA CEI.
 - d. State whether or not a “waste determination” and “LDR determination” were made for the white material.
 - e. If a “waste determination” was made for the white material, state whether the waste determination was based on analytic results or on the generator’s knowledge of the process that generated the waste. If the determination was based on analytical results, provide any and all documentation of such results. If the determination was based upon the generator’s knowledge, provide a narrative explanation of the scientific basis for each such determination, and provide any supporting documentation.
 - f. Was the white material determined to be “hazardous waste?” If so, please state the specific EPA Hazardous Waste Code(s).

- g. If the white material was shipped off-site, submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices/certifications that accompanied the off-site shipment of the white material.
 - h. If the white material still remains on-site, please state where it is currently located within the Facility, and how it is currently being managed.
- 5. Based on the observations made by the EPA inspector during the May 25, 2016 EPA CEI, the Facility operates three (3) dip tanks located in the Acid Room/Pickling Tank Room used in the stainless steel pickling process. Please refer to Photo #58 & Photo #59 of the EPA CEI report which is enclosed as Attachment A of this letter. Provide the following information regarding the pickling dip tanks:
 - a. Provide a detailed description of the process or processes for which the dip tanks are used, indicate the number of dip tanks that are onsite, indicate the volume of material in each dip tank at the time of the inspection, and indicate the number of tanks that were in use at the time of the inspection.
 - b. State the volume (in gallons) of the dip tanks.
 - c. Please provide a detailed narrative that explains how and when the dip tanks and ancillary equipment (e.g. piping, sumps, piping manifolds, etc.) were installed and constructed. Submit any and all supporting documentation such as “as-built” drawings, contractor proposals, contractor invoices, etc.
 - d. Please describe, in detail, any secondary containment systems used to prevent releases from the tanks and ancillary equipment.
 - e. Please describe, in detail, any spill (e.g. check valves, dry disconnect couplings) and overfill (e.g. level sensing devices, high level alarms, automatic cutoff valves, or bypass to a standby tank) controls installed on the tank to prevent releases from overfilling the tanks, if applicable.
- 6. With respect to the Facility’s hazardous waste training program:
 - a. Provide the first and last name of each employee at the Facility who is or has been responsible for the handling and/or management of hazardous waste for the time period of January 1, 2012 up to the present. This would include, but not be limited to, persons responsible for the labeling, dating, inspecting, and transporting containers of hazardous waste, in addition to the signing of manifests and LDR notices, waste determinations, emergency coordinators, and hazardous waste training instructors.
 - b. Provide the exact dates of employment for each of the employee names provided in your response to Question 6.a. above.

7. Please state “yes” or “no” to the following question: Does the Facility maintain documentation specifying the job title and job description for each employee listed in response to Question 6.a? If “yes”, please answer the following:
 - a. Submit the Facility’s documented job titles and written job descriptions for each employee listed in response to Question 6.a. for the time period of January 1, 2012 up to the present.
 - b. For each document submitted in response to Question 7.a, above, provide the date each such document was first created by the Facility.
8. Please state “yes” or “no” to the following question: Has the Facility provided initial hazardous waste training to each employee listed in response to Question 6.a? If “yes”, please answer the following:
 - a. Provide the dates on which initial hazardous waste training was conducted for each of the employees listed in response to Question 6.a. for the time period of January 1, 2012 up to the present and state the basis of your knowledge.
 - b. Submit any and all records the Facility has maintained to document initial hazardous waste training has been conducted for each employee named in response to Question 6.a. for the time period of January 1, 2012 up to the present.
9. Please state “yes” or “no” to the following question: Has the Facility provided annual refresher hazardous waste training to each employee listed in response to Question 6.a? If “yes”, please answer the following:
 - a. Provide the dates on which annual refresher hazardous waste training was conducted for each of the employees listed in response to Question 6.a. for the time period of January 1, 2012 up to the present and state the basis of your knowledge.
 - b. Submit any and all records the Facility has maintained to document annual fresher hazardous waste training has been conducted for each employee named in response to Question 6.a. for the time period of January 1, 2012 up to the present.
10. Please submit copies of all hazardous waste manifests retained by the Facility for offsite shipments of hazardous waste that occurred during the time period of January 1, 2012 to the present.
11. With respect to the Facility’s 90-Day Hazardous Waste Accumulation Area, please answer the following: Does the Facility inspect containers being stored in the 90-Day Hazardous Waste Accumulation Area weekly for leaking containers and deterioration of the containers caused by corrosion or other factors?

- a. If you answered “yes” to Question 11, above, provide the first and last name of each person at the Facility who is or was responsible for conducting weekly inspections of the Facility’s 90-Day Hazardous Waste Accumulation Area for the time period of January 1, 2012 up to the present.
 - b. If weekly inspections records are maintained by the Facility, submit any and all weekly inspection logs maintained by the Facility for the 90-Day Hazardous Waste Accumulation Area for the time period of January 1, 2012 up to the present.
12. With respect to the Facility’s Waste Accumulation Area (“WAA”), as referenced on page 9 of the EPA inspection report, please answer the following: Does the Facility inspect containers being stored in the WAA weekly for leaking containers and deterioration of the containers caused by corrosion or other factors?
 - a. If you answered “yes” to Question 12, above, provide the first and last name of each person at the Facility who is or was responsible for conducting weekly inspections of the Facility’s WAA for the time period of January 1, 2012 up to the present.
 - b. If weekly inspections records are maintained by the Facility, submit any and all weekly inspection logs maintained by the Facility for the WAA for the time period of January 1, 2012 up to the present.
15. Please indicate by stating “yes” or “no” to the following question: (1) Did the Facility submit a Biennial Hazardous Waste Report for the 2013 and 2015 calendar years?
 - a. If you answered “yes”, please provide a copy of such submission as an attachment to your response.
 - b. If you answered “No”, please explain, in detail, why the Facility did not timely submit a Biennial Hazardous Waste Report for the 2013 and 2015 calendar years.

A copy of the Mary 25, 2016 inspection report documenting the findings of the inspector is enclosed as Attachment A for your information, and includes only those attachments not provided by the facility representative(s) at the time of or subsequent to the inspection.

The provisions of Section 3008 of RCRA, 42 U.S.C. § 6928, authorize EPA to pursue penalties for failure to comply with or respond adequately to an information request under Section 3007(a) of RCRA. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

With regard to the Small Business Regulatory Enforcement and Fairness Act (“SBREFA”), please see the “Information for Small Businesses” memo, enclosed as Attachment B, which might be applicable to your facility. This enclosure provides information on contacting

the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve your facility of its obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue an enforcement action. To preserve your facility's legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement actions. EPA has not made a determination as to whether or not your facility is covered by SBREFA.

Your facility is entitled to assert a claim of business confidentiality covering any part or all of the information submitted, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to your facility.

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

Your response must include the following signed and dated certification:

I certify that the information contained in this response to EPA's request for information and the accompanying documents is true, accurate and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: _____
Name: _____
Title: _____

Please send your response to:

Andrew Ma
US EPA Region III
Environmental Science Center
701 Mapes Road
Fort Meade, MD 20755-5350

If you have any questions concerning this matter, please contact Mr. Andrew Ma at (410) 305-3429.

Sincerely,

A handwritten signature in cursive script that reads "Carol Amend".

Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

Enclosures

cc: A. Ma (3LC70) w/o